

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
REGINALD LAMONT THOMAS,
Defendant.

No. 2:20-cr-00012-DC-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
DEFENDANT'S 28 U.S.C. § 2255 MOTION
(Doc. Nos. 150, 196)

Defendant-Movant Reginald Lamont Thomas is a federal prisoner proceeding *pro se* with a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Doc. No. 150.) In his motion, which Defendant filed on June 23, 2023, Defendant presents essentially two claims: (1) his guilty pleas were taken in violation of Federal Rule of Criminal Procedure 11, and (2) he received ineffective assistance of counsel during the Rule 11 plea colloquies. (*Id.* at 4–11; Doc. No. 166 at 1–2.) On June 23, 2023, the court directed the Clerk of the Court to assign a magistrate judge to review the pending motion. (Doc. No. 154.) On February 8, 2024, the government filed an opposition to Defendant's pending § 2255 motion. (Doc. No. 171.) Defendant filed a reply thereto on February 29, 2024. (Doc. No. 172.)¹

On February 25, 2025, the assigned magistrate judge issued findings and

¹ On October 17, 2024, the case was reassigned to the undersigned district judge. (Doc. No. 184.)

1 recommendations recommending that Defendant's pending § 2255 motion be denied. (Doc. No.
2 196.) First, the magistrate judge found "all claims pertaining to the sufficiency of [Defendant's]
3 plea are procedurally barred" because Defendant did not first raise those challenges on his direct
4 appeal. (*Id.* at 3) (citing *Bousley v. United States*, 523 U.S. 614, 621 (1998) ("[T]he voluntariness
5 and intelligence of a guilty plea can be attacked on collateral review only if first challenged on
6 direct review.") Second, the magistrate judge found that Defendant's claim that he received
7 ineffective assistance of counsel fails on the merits because Defendant "repeatedly attested that
8 his pleas were voluntary and competent, that he has discussed them with his counsel, and [he]
9 was satisfied with his representation." (*Id.* at 3.) In addition, the magistrate judge explained that
10 contrary to Defendant's assertion that his counsel was ineffective because his counsel did not
11 obtain signatures on the factual basis while in open court, there is "no requirement that a factual
12 basis be signed in open court by either the movant or the government's attorney." (*Id.*)

13 Those findings and recommendations were served on the parties and contained notice that
14 any objections thereto were to be filed within fourteen (14) days after service and that any
15 response to objections be filed within fourteen (14) days of service of those objections. (*Id.* at 5.)
16 No objection to the pending findings and recommendations has been filed, and the time in which
17 to do so has passed.

18 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the court has conducted a
19 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
20 pending findings and recommendations are supported by the record and proper analysis.

21 Having concluded that the pending § 2255 motion must be denied, the court will also
22 decline to issue a certificate of appealability. In this regard, a movant cannot appeal from the
23 denial or dismissal of her § 2255 motion unless she has first obtained a certificate of
24 appealability. *See* 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). To obtain a certificate of
25 appealability under 28 U.S.C. § 2253(c), a movant "must make a substantial showing of the
26 denial of a constitutional right, . . . includ[ing] showing that reasonable jurists could debate
27 whether (or, for that matter, agree that) the [motion] should have been resolved in a different
28 manner or that the issues presented were 'adequate to deserve encouragement to proceed

1 further.”” *Slack v. McDaniel*, 529 U.S. 473, 483–84 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 2 880, 893 n.4 (1983)). Here, Defendant has failed to make the required showing.

3 For these reasons:

4 1. The findings and recommendations issued on February 25, 2025 (Doc. No. 196)
5 are ADOPTED in full;

6 2. Defendant Reginald Lamont Thomas’s motion brought pursuant to 28 U.S.C.
7 § 2255 (Doc. No. 150) is DENIED;

8 3. The court declines to issue a certificate of appealability under 22 U.S.C. § 2253(c);
9 and

10 4. The Clerk of the Court is directed to close this case as well as the companion civil
11 case No. 2:23-cv-01225-DC-JDP.

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14 IT IS SO ORDERED.

15 Dated: April 16, 2025



Dena Coggins
United States District Judge

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